

Extra Ordinary Part - IV / 2010

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| Extra No.1 | 21-01-2010 | Legislative & Parliamentary Affairs Department |
| Extra No.2 | 25-03-2010 | Legislative & Parliamentary Affairs Department |
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| Extra No.12 | 18-12-2010 | Legislative & Parliamentary Affairs Department |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 1st January, 2010, is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2010.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette," on the 21st January, 2010).

AN ACT

further to amend the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991.

It is hereby enacted in the Sixtieth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Amendment) Act, 2009.

Short title.

Amendment of
section 4 of Guj.
12 of 1991.

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 (hereinafter referred to as "the principal Act"), in section 4, in the *Explanation*, for the words "taken or retained", the words "taken or retained under an agreement to sell or under the power of attorney or" shall be substituted.

Guj. 12
of 1991.

Insertion of new
section 5A in
Guj. 12 of 1991.

3. In the principal Act, after section 5, the following section shall be inserted, namely:-

Obligations of
transferor and
transferee who
have received
advantage under
null and void
transfers.

"5A. (1) (a) Where a transfer of immovable property is null and void under sub-section (1) of section 4 and no declaration is made in respect of such transfer under sub-clause (ii) of clause (b) of sub-section (2) of section 4, or

(b) where a transfer of immovable property is null and void under sub-section (2) of section 5,

the transferor who has received any consideration for such transfer shall return the consideration to the transferee-

(i) where such transfer is made before the date of the commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Amendment) Act, 2009, within six months from the date of such commencement, and

Guj. 1 of
2009.

(ii) where such transfer is made after the date of such commencement, within six months from the date of such transfer;

(c) the transferee or any other person on behalf of such transferee (hereinafter in this section referred to as the 'agent') has possession of such immovable property shall restore the property to the transferor within the said period of six months;

(d) the transferee shall not make any improvement in the property and the Collector may by an order restrain the transferee to make any improvement in the property.

(2) (a) Where a transferor fails to return the consideration to the transferee within the said period of six months, or

(b) where a transferee or his agent fails to restore possession of the immovable property to the transferor within the said period of six months,

the transferee in the case of (a) and the transferor in the case of (b) may make an application in such form and within such period as may be prescribed, to the Collector for making an order directing the transferor to return the consideration to the transferee or, as the case may be, directing the transferee or his agent to restore possession of the immovable property to the transferor.

Bom. V
1879.

(3) The Collector, may at any time *suo motu* or on an application made to him under sub-section (2), shall, after making a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879 and after giving the transferor and the transferee or, as the case may be, his agent an opportunity of being heard and after considering any evidence which may be produced, make an order in writing directing the transferor to return such consideration to the transferee within such time as may be specified in the order or, as the case may be, an order in writing directing the transferee or his agent to restore the possession of the immovable property to the transferor within such time as may be specified in the order or make such other order as he deems fit.

(4) (a) where the transferor fails to return the consideration to the transferee within the time specified in the order made under sub-section (3), the Collector may recover the consideration from the transferor as an arrears of land revenue and pay the same to the transferee after deducting the expenses for such recovery;

(b) where the transferee or his agent fails to restore possession of the immovable property within the time specified in the order made under sub-section (3), the Collector may, notwithstanding anything to the contrary contained in any law for the time being in force, evict the transferee or his agent from the immovable property and take possession of such property and may, for such purpose, use or cause to be used such force as may be necessary, and restore the possession of such property to the transferor.

(5) Where a transferor fails to take the possession of such property, the property shall temporarily be in the custody of the Collector and the Collector may take such measures as he considers necessary or expedient for securing and managing such property subject to the provisions of rules made in this behalf."

4. In the principal Act, in section 6, after the words and figure "of section 5", the words, brackets, figures and letter "or by an order made under sub-section (3) of section 5A" shall be inserted.

Amendment of
section 6 of Guj.
12 of 1991.

Insertion of new sections 9A and 9B in Guj. 12 of 1991.

5. In the principal Act, after section 9, the following sections shall be inserted, namely:-

Penalty for contravention of provisions of section 4, 5 or 5A.

"9A. Whoever contravenes the provisions of section 4, 5 or 5A shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.

Cognizable offence.

9B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under section 9A shall be cognizable."

2 of 1974.

Amendment of section 11 of Guj. 12 of 1991.

6. In the principal Act, in section 11, for the words and figures "section 4 or 5", the words and figures "section 4, 5 or 5A" shall be substituted.

Amendment of section 12 of Guj. 12 of 1991.

7. In the principal Act, in section 12, in sub-section (2), after clause (b), the following clause shall be inserted, namely:-

"(bb) the period within which and the form in which an application may be made under sub-section (2) and the rules subject to which the Collector shall secure and manage the property under sub-section (5) of section 5A;"

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat legislature, having been assented to by the Governor on the 22nd March, 2010 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette" on the 25th March 2010).

AN ACT

further to amend the Bombay Primary Education Act, 1947 and the Gujarat Secondary and Higher Secondary Education Act, 1972 and to repeal the Gujarat Compulsory Primary Education Act, 1961 so as to facilitate to implement the provisions of the Right of Children to Free and Compulsory Education Act, 2009.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Educational Laws (Amendment) Act, 2010. Short title and commencement.
- (2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Bom. LXI of 1947. 2. In the Bombay Primary Education Act, 1947 (hereinafter referred to as "the principal Act"), in section 2,- Bom. LXI of 1947.

- (i) after clause (7), the following clause shall be inserted, namely:-

"(7A) "Committee" means the State Staff Selection Committee constituted under section 23;"

- (ii) after clause (10A), the following clause shall be inserted, namely:-

"(10B) "Lower Primary Education" means education from first standard to fifth standard;"

- (iii) for clause (15), the following clause shall be substituted, namely :-

"(15) "Primary education" means elementary education from first class to eighth class as defined in clause (f) of section 2 of the Right of Children to Free and Compulsory Education Act, 2009;" 35 of 2009.

- (iv) after clause (20), the following clause shall be inserted, namely:-

"(20A) "Upper Primary Education" means education from sixth standard to eighth standard;"

Substitution of section 23 of Bom. LXI of 1947. 3. In the principal Act, for section 23, the following section shall be substituted, namely:-

Constitution of State Staff Selection Committee for primary education. "23. (1) There shall be a State Level Staff Selection Committee constituted by the State Government for all District Education Committees and authorized municipalities, consisting of such number of members as may be determined by the State Government.

(2) The Director of Primary Education shall be the Chairman and the Deputy Director of Primary Education shall be the Secretary of the Committee.

(3) The Committee shall select candidates for appointments as Assistant Education Inspectors, Supervisors, *Vidhya Sahayaks* and Primary Teachers. The selection of candidates shall be made in accordance with the instructions issued by the State Government.

-(4)- The Committee shall also select the staff referred to in sub-section (3) for all District Education Committees and authorized municipalities and recommend the names of selected candidates for appointment as per their requisition.

(5) The District Education Committee or authorized municipality or, as the case may be, the Administrative Officer shall make appointments of the candidates so selected in accordance with the directions given by the Committee.”.

Guj. 18 of 1973. 4. In the Gujarat Secondary and Higher Secondary Education Act, 1972 (hereinafter referred to as “the Secondary and Higher Secondary Education Act”), in section 2, - Amendment of section 2 of Guj. 18 of 1973.

(i) in clause (u), for the words “eighth standard”, the words “ninth standard” shall be substituted;

(ii) in clause (aa), the words and figures “the Gujarat Compulsory Primary Education Act, 1961 and” shall be deleted.

5. In the Secondary and Higher Secondary Education Act, in section 17, in clause (17), for the words “standards eight”, the words “standards nine” shall be substituted. Amendment of section 17 of Guj. 18 of 1973.

6. In the Secondary and Higher Secondary Education Act, for section 35, the following section shall be substituted, namely:- Substitution of section 35 of Guj. 18 of 1973.

Selection of
teachers and
headmasters,
etc.

“35. The procedure for selection of teachers and headmasters of registered private secondary and higher secondary schools shall be such as may be notified by the State Government by rules from time to time.”.

Bom. LXI of 1947. 7. Notwithstanding anything contained in the Bombay Primary Transitory provisions.
Guj. 18 of 1973. Education Act, 1947 and the Gujarat Secondary and Higher Secondary
35 of 2009. Education Act, 1972 as amended by this Act, for carrying out the
provisions of the Right of Children to Free and Compulsory Education
Act, 2009, the State Government may allow to continue to impart
education in eighth standard as a part of primary education in any
secondary school till the period stipulated in section 6 of the Right of
35 of 2009. Children to Free and Compulsory Education Act, 2009.

Guj. XLI of 1961. 8. The Gujarat Compulsory Primary Education Act, 1961 is hereby Repeal of Guj. XLI of 1961.
repealed.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 2010 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette," on the 25th March, 2010).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2010.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2010. Short title.
2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of four thousand nine hundred seventeen crores, thirty-one lakhs, twenty-three thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2010, in respect of the services and purposes specified in column 2 of the Schedule. Issue of
Rs. 49173123000
from and out of
the Consolidated
Fund of the State
of Gujarat for
the financial year
2009-2010.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See sections 2 and 3)

| Demand No. of Vote/ Appro- priation | Services and Purposes | Revenue / Capital | Sums not exceeding | | |
|---|--|----------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | | | |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 1 | Agriculture and Co-operation Department | Revenue | 10678000 | | 10678000 |
| 2 | Agriculture | Revenue | 1632291000 | 91000 | 1632382000 |
| 3 | Minor Irrigation, Soil Conservation | Revenue | 41653000 | | 41653000 |
| 4 | Animal Husbandry and Dairy Development | Revenue | 161343000 | | 161343000 |
| 5 | Co-operation | Revenue | 37095000 | | 37095000 |
| 6 | Fisheries | Revenue | 1000 | | 1000 |
| 8 | Education Department | Revenue | 8890000 | | 8890000 |
| 9 | Education | Revenue | 18300708000 | 11200000 | 18311908000 |
| | | Capital | 428800000 | | 428800000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 4640000 | | 4640000 |
| | | Capital | 48960000 | | 48960000 |
| 11 | Energy and Petrochemicals Department | Revenue | 11063000 | | 11063000 |
| 12 | Tax Collection Charges (Energy and Petrochemicals Department) | Revenue | 9685000 | | 9685000 |
| 13 | Energy Projects | Revenue | 641600000 | | 641600000 |
| | | Capital | 500000000 | | 500000000 |
| 14 | Other expenditure pertaining to Energy and Petrochemicals Department | Capital | 284296000 | | 284296000 |
| 15 | Finance Department | Revenue | 24098000 | | 24098000 |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 66620000 | 700000 | 67320000 |
| 17 | Treasury and Accounts Administration | Revenue | 100290000 | | 100290000 |
| 18 | Pension and other Retirement Benefits | Revenue | 5281309000 | 9623000 | 5290932000 |
| 20 | Repayment of debt pertaining to Finance Department and its Servicing | Revenue | 0 | 563181000 | 563181000 |
| 21 | Food, Civil Supply and Consumers Affairs Department | Revenue | 41227000 | | 41227000 |
| 23 | Food | Revenue | 448679000 | | 448679000 |
| | Capital outlay on Food Storage and Warehousing | Capital | 50000 | | 50000 |
| 25 | Forests and Environment Department | Revenue | 11212000 | | 11212000 |
| 26 | Forests | Revenue | 123153000 | 321000 | 123474000 |
| | Capital outlay on Forestry and Wild Life | Capital | 10400000 | | 10400000 |
| 29 | Governor | Revenue | 0 | 6315000 | 6315000 |
| 30 | Council of Ministers | Revenue | 2700000 | | 2700000 |
| 31 | Elections | Revenue | 15668000 | | 15668000 |
| 32 | Public Service Commission | Revenue | 16595000 | 8620000 | 25215000 |
| 33 | General Administration Department | Revenue | 81334000 | | 81334000 |
| 34 | Economic Advice and Statistics | Revenue | 12615000 | | 12615000 |
| 35 | Other expenditure pertaining to General Administration Department | Revenue | 105221000 | | 105221000 |
| 36 | State Legislature | Revenue | 1000 | | 1000 |
| 38 | Health and Family Welfare Department | Revenue | 15749000 | | 15749000 |
| 39 | Medical and Public Health | Revenue | 1200745000 | 17000 | 1200762000 |
| | | Capital | 150000000 | | 150000000 |

| Demand No. of Vote/ Appro- priation | Services and Purposes | Revenue / Capital | Sums not exceeding | | |
|---|--|----------------------|--------------------|---|------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| 40 | Family Welfare | Revenue | 1561661000 | | 1561661000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | 450000 | | 450000 |
| 42 | Home Department | Revenue | 3720000 | | 3720000 |
| 43 | Police | Revenue | 1261692000 | 370000 | 1262062000 |
| 44 | Jail | Revenue | 97249000 | | 97249000 |
| 45 | State Excise | Revenue | 15515000 | 91000 | 15606000 |
| 46 | Other expenditure pertaining to Home Department | Revenue | 128671000 | 1000000 | 129671000 |
| | | Capital | 580000000 | | 580000000 |
| 47 | Industries and Mines Department | Revenue | 15125000 | | 15125000 |
| 48 | Stationery and Printing | Revenue | 19408000 | | 19408000 |
| 49 | Industries | Revenue | 582472000 | | 582472000 |
| 50 | Mines and Minerals | Revenue | 3785000 | | 3785000 |
| 51 | Tourism | Revenue | 425000 | | 425000 |
| 52 | Other expenditure pertaining to Industries and Mines Department | Revenue | 0 | 5989000 | 5989000 |
| 53 | Information and Broadcasting Department | Revenue | 825000 | | 825000 |
| 54 | Information and Publicity | Revenue | 39270000 | | 39270000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 33450000 | | 33450000 |
| 56 | Labour and Employment Department | Revenue | 1500000 | | 1500000 |
| 57 | Labour and Employment | Revenue | 110261000 | | 110261000 |
| 59 | Legal Department | Revenue | 8281000 | | 8281000 |
| 60 | Administration of Justice | Revenue | 0 | 108042000 | 108042000 |
| 61 | Other expenditure pertaining to Legal Department | Revenue | 20833000 | | 20833000 |
| | | Capital | 1000000 | | 1000000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 5527000 | | 5527000 |
| 63 | Other Expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 200000 | | 200000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 4972000 | | 4972000 |
| 66 | Irrigation and Soil Conservation | Revenue | 134800000 | 2616000 | 137416000 |
| | | Capital | 0 | 47288000 | 47288000 |
| 67 | Water Supply | Capital | 1000 | | 1000 |
| 68 | Other expenditure pertaining to Narmada Water Resources, Water Supply and Kalpsar Department | Revenue | 0 | 102833000 | 102833000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 11827000 | | 11827000 |
| 70 | Community Development | Revenue | 118574000 | | 118574000 |
| 71 | Rural Housing and Rural Development | Revenue | 2265249000 | 1066000 | 2266315000 |
| 72 | Compensation and Assignments | Revenue | 128845000 | | 128845000 |
| 73 | Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 155365000 | | 155365000 |
| 74 | Transport | Revenue | 1513083000 | | 1513083000 |
| 75 | Other expenditure pertaining to Ports and Fisheries Department | Revenue | 138390000 | | 138390000 |
| | | Capital | 320000 | | 320000 |
| 76 | Revenue Department | Revenue | 17131000 | | 17131000 |

| Demand No. of Vote/ Appro- priation | Services and Purposes | Revenue / Capital | Sums not exceeding | | |
|---|--|----------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| 77 | Tax Collection Charges (Revenue Department) | Revenue | 0 | 41000 | 41000 |
| 78 | District Administration | Revenue | 236774000 | | 236774000 |
| 80 | Dangs District | Revenue | 23928000 | | 23928000 |
| 81 | Compensation and Assignments | Revenue | 2850000 | 32000 | 2882000 |
| 82 | Other expenditure pertaining to Revenue Department | Capital | 1950000 | | 1950000 |
| 83 | Roads and Buildings Department | Revenue | 13320000 | | 13320000 |
| 84 | Non-Residential Buildings | Revenue | 791694000 | 430000 | 792124000 |
| | | Capital | 7000 | | 7000 |
| 85 | Residential Buildings | Revenue | 281144000 | 13000 | 281157000 |
| | | Capital | 1000 | | 1000 |
| 86 | Roads and Bridges | Revenue | 2350456000 | 4295000 | 2354751000 |
| | | Capital | 2434750000 | 8767000 | 2443517000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 7315000 | | 7315000 |
| | | Capital | 2000 | | 2000 |
| 88 | Other expenditure pertaining to Roads and Buildings Department | Revenue | 18675000 | 29555000 | 48230000 |
| | | Capital | 151500000 | | 151500000 |
| 89 | Science and Technology Department | Revenue | 3000000 | | 3000000 |
| 90 | Other expenditure pertaining to Science and Technology Department | Capital | 1000000 | | 1000000 |
| 91 | Social Justice and Empowerment Department | Revenue | 3390000 | | 3390000 |
| 92 | Social Security and Welfare | Revenue | 189043000 | | 189043000 |
| 93 | Welfare of Scheduled tribes | Revenue | 41679000 | | 41679000 |
| | | Capital | 1825000 | | 1825000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 52364000 | | 52364000 |
| 96 | Tribal Area Sub-Plan | Revenue | 2142116000 | 5054000 | 2147170000 |
| | | Capital | | 1675000 | 1675000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 6543000 | | 6543000 |
| 100 | Urban Development and Urban Housing Department | Revenue | 9692000 | | 9692000 |
| 101 | Urban Housing | Revenue | 65000 | 212700000 | 212765000 |
| 102 | Urban Development | Revenue | 33273000 | | 33273000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 24000000 | | 24000000 |
| 104 | Other expenditure pertaining to Urban Housing Department | Revenue | 320000 | | 320000 |
| 105 | Women and Child Development Department | Revenue | 1825000 | | 1825000 |
| 106 | Other expenditure pertaining to Women and Child Development Department | Revenue | 407451000 | | 407451000 |
| Total : | | Revenue | 43446136000 | 1074195000 | 44520331000 |
| | | Capital | 4595062000 | 57730000 | 4652792000 |
| Grand Total: | | | 48041198000 | 1131925000 | 49173123000 |



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Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by
the Governor on the 31st March, 2010 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2010.

(First published, after having received the assent of the Governor, in the
"Gujarat Government Gazette," on the 31st March, 2010).

AN ACT

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-first Year of the Republic of
India as follows :-

1. (1) This Act may be called the Gujarat Value Added Tax
(Amendment) Act, 2010.

Short title
and
commence-
ment.

(2) It shall come into force on the 1st April, 2010.

Guj. 1 of 2005. 2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred
to as "the principal Act"), in section 7, in sub-section (1A), in clause (i),
for the figures, letter and word "51A and 87", the figures, letters and
word "51A, 76A and 87" shall be substituted.

Amendment
of section 7
of Guj. 1 of
2005.

Amendment of section 9 of 3. In the principal Act, in section 9, in sub-section (6), in clause (i),
Guj. 1 of for the figures, letter and word "51A and 87", the figures, letters and
2005. word "51A, 76A and 87" shall be substituted..

Amendment of Schedule II 4. In the principal Act, in Schedule II, after the entry at serial No.
to Guj. 1 of 76, the following entry shall be inserted, namely :-
2005.

| 1 | 2 | 3 |
|-------|---|---|
| "76A. | Tobacco of all types and tobacco products such as <i>bidi</i> , cigarette, <i>gutkha</i> , <i>pan masala</i> , <i>snuff</i> containing tobacco. | "Seventeen and a half <i>paise</i> in the rupee." |



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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette," on the 31st March, 2010).

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

- (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2010. Short title and commencement.
- (2) It shall come into force on the 1st April, 2010.

Amendment of
section 3 of
Bom. LXV of
1958.

2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as 'the principal Act'), in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

Bom.LXV of 1958.

“(1A) Notwithstanding anything contained in sub-section (1), a tax in *lump sum*, in respect of a motor vehicle for which *lump sum* tax has been paid and ownership of such motor vehicle is transferred on sale, shall be payable at such rates as may be specified by the State Government by notification in the *Official Gazette*, but not exceeding twenty-five per cent. of the *lump sum* tax paid.

Explanation.- For the purpose of this sub-section, a motor vehicle registered in other State and brought in the State for use permanently, *lump sum* tax shall be the tax which was payable at the time of registration of such motor vehicle in the State, as if it was a new vehicle.”.

Amendment of
section 4 of
Bom. LXV of
1958.

3. In the principal Act, in section 4,-

- (1) in sub-section (1AA), in the Table, for the existing entry (b), the following entry shall be substituted, namely:-

| | Description of vehicles | Manner of Payment |
|-------|---|---|
| “(b)” | Designated omnibuses specified in Clauses IVAA and IVAAA in Part I of the First Schedule. | <p>(i) In case of designated omnibuses licensed to carry not more than twelve passengers including maxicab, annually or the <i>lump sum</i> tax specified in the Third Schedule;</p> <p>(ii) Designated omnibuses other than those specified in clause (i) above, annually or in monthly instalments of one-twelfth of the annual rate.”;</p> |

- (2) in sub-section (1AB), after clause (b), the following clause shall be inserted, namely :-

“(c) The owner or a person in possession or control of a motor vehicle which falls under the First Schedule and is liable to pay tax under section 3 and has become liable to pay tax under the Second Schedule after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2010, shall be liable to pay tax in *lump sum* at such rate as may be notified by the State Government by notification in the *Official Gazette*, but not exceeding the maximum rates specified in the Second Schedule.”.

Guj. 5 of 2010.

4. In the principal Act, in the First Schedule, in column 1, in Clause III,-

Amendment of
First Schedule
to Bom. LXV of
1958.

- (i) in item (d), for the figures and letters "3000 KG", the figure and letters "7500 KG", shall be substituted;
- (ii) in item (e), for the figure and letters "3000 KG", the figure and letters "7500 KG" shall be substituted.

5. In the principal Act, in the Second Schedule, in Part I, in Clause III, in column 1, for the figure and letters "3000 KG", the figure and letters "7500 KG", shall be substituted.

Amendment of
Second
Schedule to
Bom. LXV of
1958.

6. In the principal Act, in the Third Schedule, in Part I, Clause II shall be deleted.

Amendment of
Third Schedule
to Bom. LXV
of 1958.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and

Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2010, is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 31st March, 2010).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2011.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2010.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of sixty-nine thousand five hundred sixty-four crores, sixty-two lakhs, fifty-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2010-11 in respect of the services and purposes specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Short title.

Withdrawal of
Rs. 6,95,64,62,57,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2010-2011.

Appropriation.

SCHEDULE
(See sections 2 and 3)

| Demand No. Voted/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---------------------------------------|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 1 | Agriculture and Co-operation Department | Revenue | 155748000 | 0 | 155748000 |
| 2 | Agriculture | Revenue | 12775373000 | 0 | 12775373000 |
| | | Capital | 5000000 | 0 | 5000000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development | Revenue | 2432939000 | 0 | 2432939000 |
| | | Capital | 10000 | 0 | 10000 |
| 4 | Animal Husbandry | Revenue | 1728950000 | 0 | 1728950000 |
| 5 | Co-operation | Revenue | 1361006000 | 0 | 1361006000 |
| | | Capital | 4200000 | 0 | 4200000 |
| 6 | Fisheries | Revenue | 669206000 | 0 | 669206000 |
| | | Capital | 222250000 | 0 | 222250000 |
| 7 | Other Expenditure pertaining to Agriculture and Co-operation Department | Capital | 11000000 | 0 | 11000000 |
| 8 | Education Department | Revenue | 74785000 | 0 | 74785000 |
| 9 | Education | Revenue | 91151186000 | 1699500000 | 92850686000 |
| | | Capital | 2981598000 | 0 | 2981598000 |
| 10 | Other Expenditure pertaining to Education Department | Revenue | 15083000 | 0 | 15083000 |
| | | Capital | 366515000 | 0 | 366515000 |
| 11 | Energy and Petro-Chemicals Department | Revenue | 36976000 | 0 | 36976000 |
| 12 | Tax Collection Charges (Energy and Petro-Chemicals Department) | Revenue | 135635000 | 0 | 135635000 |
| 13 | Energy Projects | Revenue | 27888900000 | 0 | 27888900000 |
| | | Capital | 5382599000 | 0 | 5382599000 |
| 14 | Other Expenditure pertaining to Energy and Petro-Chemicals Department | Revenue | 4500000 | 0 | 4500000 |
| | | Capital | 3001300000 | 0 | 3001300000 |
| 15 | Finance Department | Revenue | 134335000 | 0 | 134335000 |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 1520061000 | 0 | 1520061000 |
| 17 | Treasury and Accounts Administration | Revenue | 875164000 | 0 | 875164000 |
| 18 | Pension and Other Retirement Benefits | Revenue | 34851320000 | 6000000 | 34857320000 |
| 19 | Other Expenditure pertaining to Finance Department | Revenue | 15897113000 | 0 | 15897113000 |
| | | Capital | 16000000 | 100000 | 16100000 |
| 20 | Repayment of debt pertaining to Finance Department and its Servicing | Revenue | 0 | 94468725000 | 94468725000 |
| | | Capital | 0 | 38375615000 | 38375615000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department | Revenue | 211587000 | 0 | 211587000 |

| Demand No. Voted/ Approp- riation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 22 | Civil Supplies | Revenue | 2240436000 | 0 | 2240436000 |
| 23 | Food | Revenue | 820164000 | 0 | 820164000 |
| | | Capital | 72200000 | 0 | 72200000 |
| 24 | Other Expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department | Capital | 1100000 | 0 | 1100000 |
| 25 | Forest and Environment Department | Revenue | 43398000 | 0 | 43398000 |
| 26 | Forest | Revenue | 2296730000 | 1050000 | 2297780000 |
| | | Capital | 1892313000 | 0 | 1892313000 |
| 27 | Environment | Revenue | 98500000 | 0 | 98500000 |
| 28 | Other expenditure pertaining to Forest and Environment Department | Capital | 6300000 | 0 | 6300000 |
| 29 | Governor | Revenue | 0 | 38971000 | 38971000 |
| 30 | Council of Ministers | Revenue | 21950000 | 0 | 21950000 |
| 31 | Election | Revenue | 363723000 | 0 | 363723000 |
| 32 | Public Service Commission | Revenue | 51000000 | 68000000 | 119000000 |
| 33 | General Administration Department | Revenue | 591933000 | 0 | 591933000 |
| 34 | Economic Advice and Statistics | Revenue | 639943000 | 0 | 639943000 |
| 35 | Other Expenditure pertaining to General Administration Department | Revenue | 4163167000 | 6575000 | 4169742000 |
| | | Capital | 22710000 | 0 | 22710000 |
| 36 | State Legislature | Revenue | 192400000 | 2080000 | 194480000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 3407000 | 0 | 3407000 |
| 38 | Health and Family Welfare Department | Revenue | 123770000 | 0 | 123770000 |
| 39 | Medical and Public Health | Revenue | 16662811000 | 0 | 16662811000 |
| | | Capital | 4735739000 | 0 | 4735739000 |
| 40 | Family Welfare | Revenue | 3694912000 | 0 | 3694912000 |
| | | Capital | 25000000 | 0 | 25000000 |
| 41 | Other Expenditure pertaining to Health and Family Welfare Department | Revenue | 2244000 | 0 | 2244000 |
| | | Capital | 17000000 | 0 | 17000000 |
| 42 | Home Department | Revenue | 485770000 | 0 | 485770000 |
| 43 | Police | Revenue | 18561089000 | 5000000 | 18566089000 |
| 44 | Jails | Revenue | 458396000 | 0 | 458396000 |
| 45 | State Excise | Revenue | 99820000 | 0 | 99820000 |
| 46 | Other Expenditure pertaining to Home Department | Revenue | 413878000 | 1300000 | 415178000 |
| | | Capital | 2123284000 | 0 | 2123284000 |
| 47 | Industries and Mines Department | Revenue | 124340000 | 0 | 124340000 |
| 48 | Stationery and Printing | Revenue | 563377000 | 0 | 563377000 |
| 49 | Industries | Revenue | 8499788000 | 0 | 8499788000 |
| | | Capital | 550400000 | 0 | 550400000 |
| 50 | Mines and Minerals | Revenue | 865725000 | 0 | 865725000 |
| | | Capital | 35000000 | 0 | 35000000 |

| Demand No. Voted/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---------------------------------|---|------------------|--------------------|----------------------------------|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 51 | Tourism | Revenue | 1831930000 | 0 | 1831930000 |
| | | Capital | 250000000 | 0 | 250000000 |
| 52 | Other Expenditure pertaining to Industries and Mines Department | Revenue | 199550000 | 0 | 199550000 |
| | | Capital | 210000000 | 0 | 210000000 |
| 53 | Information and Broadcasting Department | Revenue | 17881000 | 0 | 17881000 |
| 54 | Information and Publicity | Revenue | 727795000 | 0 | 727795000 |
| 55 | Other Expenditure pertaining to Information and Broadcasting Department | Revenue | 44194000 | 0 | 44194000 |
| | | Capital | 5300000 | 0 | 5300000 |
| 56 | Labour and Employment Department | Revenue | 77288000 | 0 | 77288000 |
| 57 | Labour and Employment | Revenue | 2666306000 | 0 | 2666306000 |
| 58 | Other Expenditure pertaining to Labour and Employment Department | Capital | 5555000 | 0 | 5555000 |
| 59 | Legal Department | Revenue | 88784000 | 0 | 88784000 |
| 60 | Administration of Justice | Revenue | 4978690000 | 637017000 | 5615707000 |
| 61 | Other Expenditure pertaining to Legal Department | Revenue | 809024000 | 0 | 809024000 |
| | | Capital | 17700000 | 0 | 17700000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 40175000 | 0 | 40175000 |
| 63 | Other Expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 750000 | 0 | 750000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 99715000 | 0 | 99715000 |
| 65 | Narmada Development Scheme | Capital | 21098700000 | 0 | 21098700000 |
| 66 | Irrigation and Soil Conservation | Revenue | 7203969000 | 0 | 7203969000 |
| | | Capital | 13365566000 | 0 | 13365566000 |
| 67 | Water Supply | Revenue | 4215000000 | 0 | 4215000000 |
| | | Capital | 8650000000 | 0 | 8650000000 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department | Capital | 16000000 | 0 | 16000000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 86365000 | 0 | 86365000 |
| 70 | Community Development | Revenue | 7846927000 | 0 | 7846927000 |
| 71 | Rural Housing and Rural Development | Revenue | 8191647000 | 1686000000 | 9877647000 |
| 72 | Compensation and Assignments | Revenue | 914219000 | 0 | 914219000 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 3449045000 | 0 | 3449045000 |
| | | Capital | 120320000 | 0 | 120320000 |

| Demand No. Voted/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---------------------------------------|---|---------------------|--------------------|----------------------------------|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 74 | Transport | Revenue | 6342475000 | 0 | 6342475000 |
| | | Capital | 2740000000 | 0 | 2740000000 |
| 75 | Other Expenditure pertaining to Ports and Transport Department | Revenue | 589410000 | 0 | 589410000 |
| | | Capital | 1000130000 | 0 | 1000130000 |
| 76 | Revenue Department | Revenue | 211323000 | 0 | 211323000 |
| 77 | Tax Collection Charges (Revenue Department) | Revenue | 1951120000 | 0 | 1951120000 |
| 78 | District Administration | Revenue | 1650704000 | 0 | 1650704000 |
| 79 | Relief on account of Natural Calamities | Revenue | 6020302000 | 0 | 6020302000 |
| | | Capital | 2560000000 | 0 | 2560000000 |
| 80 | Dangs District | Revenue | 282051000 | 0 | 282051000 |
| 81 | Compensation and Assignments | Revenue | 406620000 | 702000 | 407322000 |
| | | Capital | 1100000 | 200000 | 1300000 |
| 82 | Other Expenditure pertaining to Revenue Department | Revenue | 14673000 | 0 | 14673000 |
| | | Capital | 7136000 | 0 | 7136000 |
| 83 | Roads and Buildings Department | Revenue | 103500000 | 0 | 103500000 |
| 84 | Non-Residential Buildings | Revenue | 4103406000 | 3340000 | 4106746000 |
| | | Capital | 6139602000 | 0 | 6139602000 |
| 85 | Residential Buildings | Revenue | 1205890000 | 0 | 1205890000 |
| | | Capital | 315797000 | 0 | 315797000 |
| 86 | Roads and Bridges | Revenue | 17545174000 | 0 | 17545174000 |
| | | Capital | 13117800000 | 0 | 13117800000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 100043000 | 0 | 100043000 |
| | | Capital | 969500000 | 0 | 969500000 |
| 88 | Other Expenditure pertaining to Roads and Buildings Department | Revenue | 112200000 | 0 | 112200000 |
| | | Capital | 71000000 | 0 | 71000000 |
| 89 | Science and Technology Department | Revenue | 573612000 | 0 | 573612000 |
| 90 | Other Expenditure pertaining to Science and Technology Department | Revenue | 1332000000 | 0 | 1332000000 |
| | | Capital | 168216000 | 0 | 168216000 |
| 91 | Social Justice and Empowerment Department | Revenue | 35839000 | 0 | 35839000 |
| 92 | Social Security and Welfare | Revenue | 5463660000 | 12500000 | 5476160000 |
| | | Capital | 125940000 | 0 | 125940000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 1039319000 | 0 | 1039319000 |
| | | Capital | 92614000 | 0 | 92614000 |
| 94 | Other Expenditure pertaining to Social Justice and Empowerment Department | Capital | 2100000 | 0 | 2100000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 13067180000 | 0 | 13067180000 |
| | | Capital | 1508519000 | 0 | 1508519000 |

| Demand No. Voted/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|---------------------------------------|--|---------------------|--------------------|---|--------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| 1 | 2 | | 3 | | |
| | | | Rs. | Rs. | Rs. |
| 96 | Tribal Area Sub-Plan | Revenue | 27955211000 | 0 | 27955211000 |
| | | Capital | 15609981000 | 0 | 15609981000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 49735000 | 0 | 49735000 |
| 98 | Youth Services and Cultural Activities | Revenue | 2084724000 | 0 | 2084724000 |
| 99 | Other Expenditure pertaining to Sports, Youth and Cultural Activities Department | Capital | 1106000 | 0 | 1106000 |
| 100 | Urban Development and Urban Housing Department | Revenue | 36517000 | 0 | 36517000 |
| 101 | Urban Housing | Revenue | 858000 | 780520000 | 781378000 |
| 102 | Urban Development | Revenue | 47355478000 | 0 | 47355478000 |
| | | Capital | 300000000 | 0 | 300000000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 1182000000 | 300000000 | 1482000000 |
| 104 | Other Expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 9562000 | 0 | 9562000 |
| | | Capital | 2010000 | 0 | 2010000 |
| 105 | Women and Child Development Department | Revenue | 17046000 | 0 | 17046000 |
| 106 | Other Expenditure pertaining to Women and Child Development Department | Revenue | 7153622000 | 5500000 | 7159122000 |
| | | Capital | 1100906000 | 0 | 1100906000 |
| 107 | Climate Change Department | Revenue | 20000000 | 0 | 20000000 |
| 108 | Other Expenditure pertaining to Climate Change Department | Revenue | 996400000 | 0 | 996400000 |
| | Total: | Revenue | 446499289000 | 99722780000 | 546222069000 |
| | | Capital | 111048273000 | 38375915000 | 149424188000 |
| | Grand Total: | | 557547562000 | 138098695000 | 695646257000 |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2010, is hereby published for general information.

H. D. VYAS,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2010.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2010).

AN ACT

further to amend the Bombay Land Revenue Code, 1879.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Bombay Land Revenue (Gujarat Amendment) Act, 2010.

**Short title and
commencement.**

(2) This section shall come into force at once; and all or any of the remaining provisions of this Act shall come into force in such different areas of the State on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 3 of
Bom. V of
1879.**

2. In the Bombay Land Revenue Code, 1879 (hereinafter referred to as "the principal Act"), in section 3, after clause (27A), the following new clauses shall be added, namely :-

**Bom. V of
1879.**

“(28) “designated officer” means any revenue officer appointed by the State Government from time to time for carrying out the functions as specified in Chapter X-A;

(29) “prescribed” means prescribed by rules made under this Act.”.

**Substitution
of section
135B of Bom.
V of 1879.**

3. In the principal Act, for section 135B, the following section shall be substituted, namely :-

**Record of
rights.**

“135B. A record of rights shall be maintained in the format, either manually or electronically or in both formats, as may be prescribed for the village or City Survey Area and shall include the following particulars :-

- (a) the names of all persons other than tenants who are holders, occupants, owners or mortgagees of the land or assignees of rent thereof;
- (b) the nature and extent of the respective interests of such persons and the conditions or liabilities if any, attaching thereto;
- (c) the rent or revenue, if any, payable by such person;
- (d) such other particulars as may be prescribed in this behalf.

(2) The said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the State Government may, by notification in the *Official Gazette*, direct that the provisions of this section shall apply in any local area or generally."

**Substitution
of section
135C of Bom.
V of 1879.**

4. In the principal Act, for section 135C, the following section shall be substituted, namely :-

**Acquisition
of rights to
be reported.**

“135C. Any person acquiring the right on any land by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise any right as holder, occupant, owner, mortgagee, assignee of the rent thereof, shall make a report of such acquisition of such right, either manually or electronically, to the designated officer within the period of three months from the date of such acquisition, and the said designated officer shall at once, give a written acknowledgement of the receipt of such report to the person making it :

Provided that where the person acquiring the right is a minor, or otherwise disqualified, his guardian or other person, having charge of his property, shall make the report to the designated officer :

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the designated officer.

Explanation I.- The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

Explanation II.- A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.”.

5. In the principal Act, for section 135D, the following section shall be substituted, namely :-

**Substitution
of section
135D of Bom.
V of 1879.**

**Register of
mutations and
register of
disputed cases.**

“135D. (1) (a) The designated officer shall enter, manually or electronically by the automated process, in a register of mutations, every report made to him under section 135C or any intimation of acquisition or transfer of any right on land made to him, either manually or electronically under section 135C from the Mamlatdar, or a court of law.

(b) (i) When a claim or document of rights is produced before the designated officer, he shall, through bio-metric ID or any other mode as may be prescribed, verify the identity and the lawful rights of the transferor and the transferee.

(ii) Upon completion of verification, the necessary entries shall be made in the register of mutations in the manner as may be prescribed and the notice of the transaction under section 135D shall be served to the persons interested therein.

(2) Whenever a designated officer makes an entry, either manually or electronically in the register of mutations, he shall at the same time intimate to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein in the manner as may be prescribed.

(3) It shall be the duty of the designated officer to enter the particulars of the objection if any received from any person either manually or electronically, in a register of disputed cases and to give written acknowledgement of the receipt of such objection to the person making it in the same manner.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded, either manually or electronically, in the register of mutations, after disposing it within the period as may be prescribed for this purpose and the same may be intimated to the concerned person having interest in the said mutation.

(5) Where no objection is raised by any person having interest in the transaction, either manually or electronically, within a period of thirty days, the mutation entry shall be certified electronically through an automated process or manually, as the case may be.

(6) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the State Government in this behalf :

Provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(7) In the event, where the automated process of certification of entries has not been initiated, the entries in the register of mutations shall be verified and if found correct or after correction shall be certified in the Mutation Register, within a period as may be prescribed, by a Revenue Officer not below the rank of a Deputy Mamlatdar, and the same may be intimated to the concerned person having interest therein.

(8) Where the certifying officer has a reason to believe that such mutation entry violates or contravenes any of the provisions of the Act or any other Act, he shall not certify such entry and shall intimate the same with reasons in writing to the person concerned.

(9) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (2) of section 135B but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies, in such manner and under such procedure as may be prescribed.”.

**Substitution
of section
135E of Bom.
V of 1879.**

6. In the principal Act, for section 135E, the following section shall be substituted, namely :-

**Obligation to
furnish
information.**

“135E. (1) Any person, whose rights, interests or liabilities are required to be, or have been entered in any record of register under this Chapter, shall be bound, on the requisition by any designated officer, engaged in compiling or revising the record of register, to furnish or produce, either manually or electronically, for his inspection, within the period as may be prescribed, all such information or documents needed for the correct compilation or revision thereof, as the case may be, within his knowledge or in his possession or power.

(2) Any designated officer, to whom any information is furnished, or before whom, any document is produced, either electronically or manually, in accordance with the requisition under sub-section (1), shall at once, give written acknowledgement thereof, in the same manner to the person furnishing or producing the same, and shall endorse, on any such document, a note under his signature stating the fact of its production and the date thereof, where the automated process has not been initiated.”.

**Amendment
of section
135F of Bom.
V of 1879.**

7. In the principal Act, in section 135F, for the words “twenty-five”, the words “one thousand” shall be substituted.

**Deletion of
section 135I
of Bom. V of
1879.**

8. In the principal Act, section 135I shall be deleted.

**Amendment
of section
135K of Bom.
V of 1879.**

9. In the principal Act, in section 135K, for the words “the village accountant, Mahalkari”, the words “the designated officer” shall be substituted.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 22nd March, 2010 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette," on the 1st April, 2010).

AN ACT

to establish the Institute of Teacher Education to promote teachers' development of integral personality, wide vision of nationalism and internationalism, and to fulfill their role as exemplars, as friends, philosophers and guides, as scientists, psychologists, artists and technologists and above all as ideal communicators who can spread uplifting influence by the processes of awakening, inspiration and contagious enthusiasm, also to promote new trends of syntheses of the East and the West and agents of change from old to the new and to confer the status of a University thereon and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Indian Institute of Teacher Education, Gujarat Act, 2010.
- (2) It extends to the whole of the State of Gujarat.

Short title, extent
and
commencement.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,

- (a) 'Academic Council' means the Academic Council of the University established under section 22;
- (b) 'Collaboration' means collaborative academic activity of the University with other Universities, other academic institutions (local, regional, national or international) and other research, educational, teaching, training institutions and organizations;
- (c) 'College' means college of learning and training maintained by or recognized, affiliated or approved as such by the University;
- (d) 'Executive Council' means the Executive Council of the University constituted under section 20;
- (e) 'Fee' means collection made by the University from the students for different purposes under different heads including tuition fee and development charges and the collection which is non-refundable;
- (f) 'Finance Committee' means the Finance Committee of the University constituted under section 25;
- (g) 'General Council' means the General Council of the University constituted under section 18;
- (h) 'Institute' means the Indian Institute of Teacher Education, Gujarat, a University established and incorporated under section 3.
- (i) 'Institution' means an institution which is a part of the University or it is associated with and admitted to the privileges of the University;
- (j) 'prescribed' means prescribed by rules, regulations, Statutes or, as the case may be, Ordinances made by or under this Act;
- (k) 'Regulations' means the Regulations made under section 34;
- (l) 'Research Council' means the Research Council of the University constituted under section 28;
- (m) 'Standing Committee' means the Standing Committee of the University constituted under section 37.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF UNIVERSITY

- 3.** (1) There shall be established and incorporated a University by the name of 'the Indian Institute of Teacher Education, Gujarat'. **Establishment and incorporation of University.**
- (2) The Chancellor, the Vice-Chancellor, the members of the General Council, the Executive Council and the Academic Council, Registrar and all other persons who may hereafter become such officers so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of 'the Indian Institute of Teacher Education, Gujarat'.
- (3) The University shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall, by the said name, sue and be sued.
- (4) In all suits and other legal proceedings by or against the University, the pleading shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar.
- 4.** The headquarters of the University shall be at Gandhinagar or at such other place, as the State Government may, by notification in the *Official Gazette*, specify. **Headquarters of University.**
- 5.** The objects of the University shall be as follows :- **Objects of University.**
- (1) to provide new structures to programmes of teachers' education and to provide to the country and even to the world at large new types of teachers who can find their home anywhere and everywhere and who have abilities, -- linguistic and professional, -- so as to serve the highest interests of the contemporary children who have new psychology and new demands to find and create new future.
- (2) to develop in particular, integrated courses of teachers' education that can be pursued by students, combining subjects of humanities, sciences, arts, crafts and technology along with those related to philosophy and psychology of education and pedagogy.
- (3) to study and undertake research in the works of pioneering educationists of Gujarat, India as also of other parts of the world, who have underlined the need for holistic education so as to derive guidance from the same;

- (4) to establish and conduct institutions, centres and facilities for research in philosophy of education, psychology of education and sociology of education in the light of the lessons of Indian pedagogy as also of the progressive researches in education that underline child-centred holistic education and methodologies appropriate to the promotion of freedom and discipline and skill-oriented and value-oriented education;
- (5) to evolve and implement a new programme of teacher education that will enhance -
 - (a) the synthesis of scientific realism and creative imagination;
 - (b) multilingual abilities;
 - (c) proficiency in pedagogy of high level achievements in various subjects and efflorescence of cognitive, co-native and effective faculties;
 - (d) mastery over new methodologies of education that blend advanced teaching instruments and subtle psychological sensibilities;
 - (e) proficiency in curriculum development in respect of various subjects of studies as also in respect of methodologies of testing students' performance, integral development of personality, and character that is committed to pursuit of nationalism, and highest welfare of humanity in terms of synthesis of Liberty, Equality and Fraternity;
 - (f) multisided physical education, healthcare and promotion of the international system of sports and games as also the spirit of youthfulness, adventure, and readiness to participate in services related to defence of peace and international understanding;
 - (g) nurturing exemplary character and competent abilities of communication that can awaken, inspire and enthuse the students;
 - (h) understanding of pupils in respect of their gifts and challenges that they confront in the process of their progress and harmonious and integral growth;
 - (i) development of capacity to meet the challenges of explosion of knowledge and of constant changes in the roles of teachers; and

- (j) promotion of general knowledge and wide vision of the development of future.
- (6) to promote the indigenous tradition of teacher-student relationship (*Guru-Shishya parampara*) in various fields of humanities, arts, crafts, sciences, technologies and yoga (psychological and physical education);
- (7) to publish and disseminate results of advanced research relating to teachers' education for purposes of advancement of capacities to teach and learn among professional teachers as also among parents, social educators and social workers;
- (8) to promote national and international cooperation in teachers' education as also in the development of teaching-learning material through online programmes, documentaries, musical and dramatic programmes and films;
- (9) to undertake, conduct and promote any programme that will enhance the highest aims of pedagogy and synthesis of knowledge-systems and internationalism.
- (10) to promote the fundamental duties laid down in article 51A of the Constitution of India;
- (11) to foster in the University highest purposes of education of the body, life and mind as also of the human spirit in its integrity;
- (12) to recover the lights from lessons of ancient wisdom in the context of modern development;
- (13) to establish facilities, programmes and activities of research, education, training and extension services that promote the highest aims of teacher education;
- (14) to introduce and nurture innovations in the education system so as to reflect India's spiritual knowledge, robust intellectuality and inexhaustible creativity;
- (15) to study and derive lessons from the ongoing experiments of education and to foster all the valuable innovative work and promote the same for larger expansion and utilization.
6. The powers and functions of the University shall be as follows :-
- (1) to administer and manage the University and ensure efficient working of the centres, colleges and institutions related to research, education, training and extension services for the furtherance of the objects of the University;

**Powers and
functions of
University.**

- (2) to regulate conduct and enforce discipline among the employees of the University and to take such measures as may be deemed necessary;
- (3) to prepare guidelines manuals and methodology for assessing performance of students, teachers and others related to the University, and to determine paradigms for quality assurance, processes and mechanisms in harmony with those developed by the National Commission for Teacher Education;
- (4) to establish, conduct and promote centres, such as --
 - (i) Centre of Research
 - (ii) Centre of Education
 - (iii) Centre of Training
 - (iv) Centre of Extension Services, and
 - (v) such other centres and institutions as may be necessary and to provide for facilities, including those relating to pedagogy for scientific discoveries and inventions, pedagogy for fine arts, pedagogy for crafts, promotion of NSS and NCC, promotion of scouts and guides, multi-linguistic capacities (Gujarati, Sanskrit, French, English, Hindi, Tamil, Arabic, Spanish, etc.) development of curricular, co-curricular and extracurricular hobbies, puppetry, exhibitions, unending education, museum studies, library and film studios, etc.
- (5) to confer and award degrees diplomas, and certificates and provide for lectures, instruction and training for students as also for continuing education courses;
- (6) to confer honorary degrees or other academic distinctions;
- (7) to develop academic relationship with primary and secondary schools which satisfy the needs and standards of the University and to empower them to receive the benefits of the results of the work of the University, and gradually to the entire education system of the State;
- (8) to create in the University campus as also elsewhere in the State, centres of education, research, training and extension services which will embody and crystallize the results of the work conducted by the University or elsewhere, and to spread benefits of the work of these centres to the entire system of teacher education in the State, and for that purpose to prepare teaching-learning materials;

(9) to set up, conduct and promote, under the responsibility of the Centre of Research, various councils for research in subjects, as follows:

- (i) new roles of contemporary teachers;
- (ii) Art and Science of nurturing gifted children;
- (iii) Art and Science of care of the weak and of those who are psychologically and physically challenged;
- (iv) special problems of childhood, adolescence and youth;
- (v) philosophy and psychology of education in the light of indian pedagogy and contemporary development;

(10) to set up, promote and conduct under the control and management of Centre of Research, several departments of research, instruction and communication in regard to themes, not so generic as those for the councils of research, but more specific and special such as those of :

- i) unity of knowledge and interdisciplinary studies;
- ii) new techniques of communication;
- iii) curriculum development : ordinary courses, advanced studies and specialized courses;
- iv) Indian and World history;
- v) multilingualism and Indian and international languages;
- vi) comprehensive physical education;
- vii) village reconstruction;
- viii) value-oriented education; and
- ix) techno-pedagogy, etc.

(11) to set up, conduct and promote a department of research in testing and evaluation and to support the requirement of creating a new system of testing services for the following purposes :-

- (i) removing from the students the fear of the examination so that tests are available by means of computer technology as and when the students are ready for the them, and even individually;
- (ii) replacing the test of memory by the test of comprehension;
- (iii) organizing tests for development of attitudes, aptitudes, personality, sterling qualities of character, and value oriented and skill oriented development, as also tests of physical fitness;

(12) to establish, conduct and promote under the centre of extension services a centre for continuing education and of telecasting programmes of social education throughout the State, which will stimulate all-round interest in the promotion of the teacher

education formal, non-formal and informal, including methods of education through visits to museums and organization of exhibitions, and publications of brochures, pamphlets, occasional papers and other materials for the promotion of themes of teachers' education;

- (13) to undertake, organize and conduct programmes for the purposes of teachers' training for those who are to be engaged in work of teaching in various schools and institutions and to provide them a general programme of introduction to philosophy of teacher education and to the philosophy of holistic education, as also elementary courses related to the lessons of history, with special reference to Indian culture, its underlying spirituality, robust intellectuality and inexhaustible vitality;
- (14) to undertake, organize and conduct, under its Centre of Education, educational programmes for the University students admitted for various programmes of teacher education as also those engaged in research for M.Phil., Ph.D. and doctoral programmes relating to teacher education;
- (15) (a) to provide for instruction, extension, teaching and training in such branches or learning and courses of study as the University may, from time to time, determine;
- (b) to conceive, design, conduct and promote under the auspices of its Centre of Education, for candidates having in their background successful twelve year school education, high level integrated five year courses in Teacher Education leading to the degrees of M.A. (Education), M.Sc. (Education), M.Com. (Education), M.Ed.(Humanities), M.Ed.(Science), M.Ed.(Fine Arts), M.Ed. (Crafts), M.Ed. (Commerce), M.Ed. (Vocational Education), M.Ed. (Value-oriented Education) and such other courses of general or specialised nature or else four year integrated courses leading to the degrees, such as those of B.A., B.Ed.; B.Sc., B.Ed.; B.Com, B.Ed., provided that the courses shall be of general or specialised nature, including specialisation in teaching languages, history, geography, economics, political science, logic, philosophy, psychology, etc., and such other four years or five years integrated courses have special component of physical education (theoretical and Practical) with specialisation in *yogic asanas* and pranayama-gymnastics-athletics-aquatics and games (indian and western) and exposure to or participation in activities of NSS, NCC and Scouts and Guides provided that these courses will have as their component parts foundational courses consisting of elements such as those of general knowledge, fundamental duties, indian culture, value-oriented education, skill-oriented education, and introduction to the global world, etc.;

(c) to develop specialised departments, under the auspices of the Centre of Education, which will conceive, design, conduct and promote foundational courses, core courses and elective courses for full time candidates of the University, covering a wide range of subjects of humanities, sciences, fine arts, commerce as also those that will aid teaching in schools such of the subjects or topics that are relevant to home science, agriculture, horticulture, floriculture, multiple vocational courses, rural arts and crafts, philosophy of education, psychology of rational, aesthetic and ethical education, and philosophy and psychology of spiritual and integral education, prenatal and early childcare, philosophy of rights for children, technology for children, science for children, children's literature, fundamental duties, education for the gifted children, education for psychologically and physically challenged children, children's rights, children's films, students' counselling, problems of curriculum development, problems of rural reconstruction, etc.;

(d) to provide interrelated connections amongst the following areas in all the integrated courses of teachers' education :-

- | | |
|----------|--|
| Area 1: | Theoretical, Experiential and Experimental Foundations of Education. |
| Area 2 : | Curriculum and Pedagogy. |
| Area 3 : | Practicum Courses and School Internship. |

(e) to conceive, design, conduct and promote under the auspices of its Centre for Training various short-term or long-term courses for pre-service or in-service training programmes centred on specific specialties or topics;

(f) to organise under its Centre of Training several specialised in-service training courses so as to serve those -

- (i) who need to migrate to a foreign country and
- (ii) such other groups of candidates or teachers who have special needs for training;

(g) to conceive, design, conduct and promote, under the auspices of its Centre for Extension Services, such programmes that are devoted to spreading in the society Science and Art of Pedagogy, as also Art and Science of Living, and lessons of Culture through various methods of instruction and publication of pamphlets and brochures, and other audio-visual material, specially designed to serve the parents to play the demanding new roles to become more and more competent teachers, and to enhance the causes of the aims of continuing education and lifelong education;

- (h) to permit its own facilities such as laboratories, film studios, and exhibitions for legitimate use by the public at large.
- (16) to create posts of Executive Officers, Directors, Professors, Associate Professors and Assistant Professors, and other members of academic and non-academic staff of equivalent responsibility, teaching or non-teaching academic posts of the University with the prior approval of the Executive Council and to prescribe the qualifications in accordance with the guidelines of the University Grants Commission or All India Council for Technical Education and other national statutory bodies and make appointments thereto; as well as to create non-teaching skilled, administrative, ministerial and other posts and to prescribe the qualifications and pay-scales with prior approval of the State Government and to make appointments thereto;
- (17) to appoint or recognize persons working in any other University or organization as adjunct professors, adjunct associate professors, adjunct assistant professors, visiting professors of the University for specified periods; and to facilitate mobility of academic members within the University and to other Universities;
- (18) to designate a University centre or institution, to monitor, periodically inspect and evaluate the academic performance of various Centers, Colleges and Institutions for ensuring proper standards of research, education, training, extension services, teaching and adequate library, laboratory, hostel and other academic facilities, in accordance with the guidelines, if any, laid down by the University Grants Commission, NCTE or by the Executive Council;
- (19) to make special provisions for the benefit of the University education to be made available to Socially and Educationally Backward Classes and communities particularly from rural and tribal areas;
- (20) to supervise, control and regulate the conduct and discipline and periodical assessment of the performance of the students and employees;
- (21) to establish teachers' education and training institutions of innovative education and to provide for education and training for implementation of the educational innovations;
- (22) to endeavour to enrich the present system of teacher education so as to make it more responsive to the ideals of Indian Nationalism and Internationalism;

- (23) to develop new system of teacher education as supplementary or alternative to existing system of teacher education for purposes of achieving higher goals of excellence;
- (24) to co-operate or collaborate with any other University, including any foreign University, Institution, Authority or Organization for research, educational, training and advisory services, as also for expansion of extensive services;
- (25) to borrow funds for the purposes of the University on the security of the property of the University, subject to the prior approval of the State Government;
- (26) to receive funds for collaboration programmes from foreign agencies subject to rules and regulations of the Central Government and State Government in that behalf;
- (27) to organize and undertake extra-mural teaching and extension services;
- (28) to fix, demand and receive fees and other charges;
- (29) to supervise, control and regulate admission of students;
- (30) to establish, organize, maintain, manage and supervise and control the functioning of centres, departments, institutions, generally, and in particular, laboratories, film studios, libraries, museums, computer centres and equipment;
- (31) to implement the national literacy and adult education programme through teachers and students on voluntary basis in the University system and to evolve measures to give due emphasis to the efforts and performance of the students in this area in addition to their normal academic performance, and also to evaluate the performance of the teachers in this area;
- (32) to hold and manage trusts and endowments and institute and award fellowships, scholarships, studentships, medals and prizes for teachers and students of the University;
- (33) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the objects for which the University is established and to allocate and disburse grants out of the fund to institutions and courses recognized by it for the purpose of developing them so as to promote teacher education;
- (34) to consult and obtain concurrence of the various bodies in respect of recognition and accreditation granted by the statutory boards and Universities for the purpose of arriving at

equivalence of the course, programmes and evaluation system established by it with the existing standards of education; and

- (35) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

Mode of research. 7. The University shall conduct its research programmes by employing various means as may be prescribed by the Statutes.

Jurisdiction of University. 8. The territorial jurisdiction of the University shall extend to the whole of the State of Gujarat.

University open to all irrespective of religion, race, caste, sex or opinion. 9. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the grounds only of religion, race, caste, sex, place of birth or political or other opinion :

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

Officers of University. 10. The following shall be the officers of the University, namely :-

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Registrar;
- (iv) The Finance and Accounts Officer; and
- (v) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor. 11. (1) The Governor of Gujarat shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University.

- (2) The Chancellor shall have the following powers and functions :
- (a) The Chancellor, when present, shall preside at the Convocation of the University and may issue direction to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes.
 - (b) The Chancellor, in the interests of the University, may direct the Standing Committee to look into the matter of disqualification of any member of the University, authority, body or committee, the conduct of any nominated or appointed or co-opted member if he thinks it is against the smooth functioning of the University.

12. (1) The Vice-Chancellor shall be appointed by the State Vice-Chancellor. Government in consultation with the Chancellor in the manner stated hereunder :-

- (2) (a) There shall be a Search Committee constituted by the State Government consisting of three members, to be nominated by the State Government to recommend suitable names, for appointment of Vice-Chancellor. The member of the Search Committee shall be from any one or more of the following categories, namely :
- (i) an eminent educationist;
 - (ii) a retired Judge of the High Court of Gujarat;
 - (iii) a retired Chief Secretary/Additional Chief Secretary of the Government of Gujarat;

The State Government shall nominate one of them as the Chairman of the Committee.

(b) The members nominated for the committee shall be the persons who are not connected with the University or any institution of the University.

(3) The committee appointed under sub-section (2) shall begin the process of recommending the panel of names for the appointment of the Vice-Chancellor, at least four months before the probable date of occurrence of the vacancy of the post of the Vice-Chancellor and shall complete within the time limit as may be fixed by the Chancellor. The State Government may extend the time limit if in the exigency of the circumstances, it is necessary so to do :

Provided that the period so extended shall not exceed three months in the aggregate.

(4) The committee shall consider and recommend the names of persons who possess the following qualification for the post of Vice-Chancellor:

- (a) leadership in any field of teacher education and development with the experience of having served in a university or an educational institution for not less than ten years and is renowned for research or creative work as evidenced through publications or guidance provided to research students of a University or College or leadership provided to the field of humanities, science, fine-arts and crafts, technology, medicine, industry; or
- (b) leadership in the field of administration as evidenced through service of ten years of experience as a Registrar in a University or as a Principal of a college or in a research academy or a Research Council under the State or the Central Government;

(5) The search committee shall recommend a panel of three suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names shall be in alphabetical order without any preference being indicated. The report may be accompanied by detailed write-up suitability for each person included in the panel.

(6) The State Government shall, in consultation with the Chancellor, appoint one of the persons included in the panel referred to in sub-section (5) as the Vice-Chancellor of the University.

Terms and conditions of appointment of Vice-Chancellor. 13. (1) The Vice-Chancellor shall hold office for a term of five years from the date he enters upon his office or till attaining the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

- (2) (a) During the leave or absence of the Vice-Chancellor, or
- (b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) of section 12 to that office -

the Dean, as nominated by the Vice-Chancellor, shall carry on the current duty of the office of the Vice-Chancellor.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University and his pay, allowances, emoluments and other terms and conditions of service shall be such as may be prescribed.

(4) The Vice-Chancellor may, by writing under his signature addressed to the Chancellor, after giving one month's notice, resign his

office and such resignation shall take effect from the date of acceptance of his resignation by the Chancellor.

(5) The Vice-Chancellor may be removed from his office if the Chancellor in consultation with the State Government, is satisfied that the incumbent,

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an undischarged insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the services as prescribed by the State Government or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University;
- (f) is a member of, or be otherwise associated with, any political party or any organization which takes part in politics, or is taking part in, or subscribing in aid of, any political movement or activity;

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is given to him.

14. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the efficient functioning and development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

Powers and functions of Vice-Chancellor.

(2) He shall be entitled to be present, with the right to speak, at any meeting of any authority or body of the University, but shall not be entitled to vote thereat, unless he is the Chairman or a member of that authority or body.

(3) It shall be the duty of the Vice-Chancellor to ensure that the directive of the State Government, if any, and the provisions of the Act, the Statutes, the Ordinances and the Regulations are strictly observed

and that the decisions of the authorities, bodies and committees which are consistent with the Act, the Statutes, the Ordinance or the Regulations are properly implemented.

(4) The Vice-Chancellor may take suitable action in case of any emergency, in interest of the University:

Provided that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

(5) The Vice-Chancellor shall be the appointing and disciplinary authority for Registrar, Finance and Accounts Officer, Members of the Academic Staff of the University and officers of the University of the rank of Assistant Registrar and of the rank equivalent thereto and above.

(6) The Vice-Chancellor shall place before the Executive Council a report of the work of the University periodically.

(7) The Vice-Chancellor shall have the right to cause an inspection to be made by such person or persons or body of persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, hostels maintained or recognized by the University, and of any institution of the examinations, teachings and other work conducted by or on behalf of the University, and to cause an inquiry to be made in a like manner regarding any matter connected with the administration, finance, and academic activity of the University.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by or under this Act.

Registrar. 15. (1) The Registrar shall be appointed by the Vice-Chancellor on the recommendations of the standing committee.

(2) The qualification, salary, emoluments, other perks and allowances and the terms and conditions of service of the Registrar shall be such as may be prescribed by the Statutes.

(3) The Registrar shall be a full-time salaried officer of the University and shall work directly under the superintendence, direction and control of the Vice-Chancellor.

(4) Appointment of the Registrar shall be for a term of five years and he shall be eligible for re-appointment for further term of five years.

(5) When the post of Registrar remains vacant for any reason or when the Registrar is, by reason of illness or absence or any other cause, unable to perform the duties of his office, the Vice-Chancellor shall

appoint a senior officer of the University to officiate as the Registrar until the Registrar resumes duty.

(6) The Registrar shall be the *ex-officio* Secretary of the General Council, Executive Council and Academic Council.

(7) The Registrar shall be the appointing and the disciplinary authority of the employees of the University other than the teachers, non-vacation academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above.

(8) Subject to the decision of the authorities of the University, the Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.

(9) The Registrar shall be the custodian of the records, the common seal and such other property of the University as the Executive Council may commit to his charge.

(10) The Registrar shall exercise such other powers and perform such other duties as prescribed by Statutes or assigned to him, from time to time, by the Vice-Chancellor.

16. (1) The Finance and Accounts Officer shall be appointed by the Vice-Chancellor in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Finance and Accounts Officer.

(2) The qualification, salary, allowances, emoluments, other perks and facilities and terms and conditions of service, the tenure of the Finance and Accounts Officer shall be such as may be prescribed by Statutes.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall –

- (a) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and
- (b) perform such other financial functions as may be assigned to him by the Executive Council.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities of 17. The following shall be the authorities of the University, University. namely :-

- (i) The General Council;
- (ii) The Executive Council;
- (iii) The Academic Council;
- (iv) The Finance Committee; and
- (v) such other authorities of the University as may be declared by the Statutes, to be the authorities of the University.

General 18. (1) The General Council shall be the apex authority of the Council. University.

(2) The General Council shall consist of the following members, namely:

- (i) the Chancellor, who shall be the Chairperson of the General Council;
- (ii) the Vice-Chancellor;
- (iii) the Minister-in-charge of Education (Primary, Secondary, Adult), Higher and Technical Education, Gujarat State or his nominee;
- (iv) the Minister-in-charge of Women and Child Welfare, Gujarat State or his nominee;
- (v) the Executive Chairperson, Gujarat Educational Innovations Commission;
- (vi) the Chairman, University Grants Commission or his nominee;
- (vii) the Chief Secretary, Government of Gujarat;
- (viii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (ix) the members of Gujarat Educational Innovations Commission;
- (x) the Secretary to the Government of Gujarat, Primary Education or his nominee not below the rank of Deputy Secretary;

- (xi) the Secretary to the Government of Gujarat, Women and Child Development Department or his nominee not below the rank of Deputy Secretary;
- (xii) the Chairman, National Council for Teacher Education or his nominee;
- (xiii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (xiv) the Commissioner of Schools, Gujarat State or his nominee not below the rank of Joint Director;
- (xv) the Director, Gujarat Council of Educational Research and Training, Gandhinagar;
- (xvi) the Chairman, Gujarat Secondary and Higher Secondary Education Board, Gandhinagar;
- (xvii) all directors of the University;
- (xviii) the Director-General, NCC Headquarters, Ahmedabad;
- (xix) the State Chief Commissioner, Gujarat State, Bharat Scouts and Guides;
- (xx) two leaders of experimental or innovative Education to be nominated by the State Government;
- (xxi) all members of Executive Council;
- (xxii) five persons to be nominated by the State Government, who shall include distinguished educationist, scholars, social workers or representatives of industry and professions;
- (xxiii) the Registrar shall be the Member-Secretary of the General Council.

(3) The term of members other than the *ex-officio* members shall be five years.

(4) The General Council shall meet at least once during a calendar year.

(5) The quorum shall not be less than one-third of the total number of members of the General Council.

Powers and functions of General Council. 19. The General Council shall have the following powers and functions, namely :-

- (1) to approve and endorse the University's strategic plan, calendar, and monitor the University's performance periodically;
- (2) to prepare and submit annual report to the State Government on the affairs of the University generally, and in particular on management of the University's resources;
- (3) to determine the academic awards, degrees, diplomas, certificates, concessions of fee, awards of Fellowships and Studentships to be offered by the University in consultation with the Academic Council; and
- (4) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

Executive Council. 20. The Executive Council shall be the chief executive body of the University and shall consist of the following members, namely :-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iii) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) two members of the Academic Council to be nominated by the Vice-Chancellor;
- (vi) four members to be nominated by the State Government from amongst the members of the General Council;
- (vii) the Finance and Accounts Officer;
- (viii) the Registrar shall be the Member-Secretary.

21. The Executive Council shall have the following powers and functions, namely :-

Powers and functions of Executive Council.

- (a) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (b) to determine the form of a common seal for the University and provide for its custody and use;
- (c) to accept trusts, bequests, donations and transfer of any movable or immovable property on behalf of the University;
- (d) to transfer by sale, or otherwise, any movable property on behalf of the University;
- (e) to borrow, lend or invest funds on behalf of the University on the recommendation of the Finance Committee;
- (f) to lay down policy for administering funds at the disposal of the University for specific purposes;
- (g) to make provisions for buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University;
- (h) to hold, control and arrange for administration of assets and properties of the University;
- (i) to approve the annual accounts and the budget estimates received from the Finance Committee;
- (j) to lay down terms and conditions of service and other guidelines approved by the State Government from time to time; and lay down the procedure for appointment of University/college teachers and non-vacation academic staff and fix their emoluments and norms of workload, conduct and discipline;
- (k) to create posts of University teachers, officers, non-vacation academic staff and other employees of the University, subject to prior approval of the State Government;
- (l) to exercise such other powers and perform such other functions as may be necessary for the efficient functioning of the University.

Academic Council. 22. The Academic Council shall consist of the following members, namely :-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) all the Directors of the University;
- (iii) all the Professors of the University or Heads of Institutions of the rank of Professors;
- (iv) the Heads of recognized and approved colleges or institutions;
- (v) all the Scholars nominated in the Councils of Research;
- (vi) all Fellows of the University;
- (vii) three students nominated by the Vice-Chancellor on the basis of their excellence in regard to their outstanding performance in any of the academic and extra-curricular activities in the immediate preceding year;
- (viii) the Registrar shall be the Member-Secretary.

Powers and functions of Academic Council. 23. The Academic Council shall have the following powers and functions, namely :-

- (1) to recommend to the Executive Council for the institution of degrees, diplomas, certificates, as also their equivalence, if required, with the degrees, diplomas, certificates of the other Universities, recognized Boards of Studies and examinations and also recommend other academic distinctions;
- (2) to make proposal to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and make regulations for their award;
- (3) to grant affiliation and recognition to colleges or institutions;
- (4) to accord recognition to institutions of research or specialized studies on the recommendations of the committees appointed by the General Council;
- (5) to advise the University on all academic matters and submit to the Executive Council the details of the academic calendar and feasibility reports on academic programmes;
- (6) to determine research areas as well as promote research in the University;

- (7) to suggest academic appointments;
- (8) to recommend for the visiting professors;
- (9) to propose, organize special seminars, conferences and workshops;
- (10) to implement the resolutions adopted by the Executive Council in respect of academic and research programmes and other activities;
- (11) to constitute committees for specific purposes, in such manner as may be determined by it, and may designate one of its members as Chairperson of the committee;
- (12) to consider and adopt the annual report, annual accounts and audit report and forward them to the Executive Council for approval;
- (13) to delegate any of its powers, except the power to make, amend or repeal Ordinances, to such officer or authority of the University or a committee appointed by it, as it thinks fit;
- (14) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching, research and supervisory and advisory posts in the University and qualifications, emoluments and the duties attached thereto;
- (15) to formulate, modify or revise schemes for the organizations of the centres, council and departments of research, colleges, or other organization and specialized institutes, and to assign to them their respective subjects and also to report to the Executive Council for its approval;
- (16) to consider proposals submitted by the departments, centres, councils and other recognized colleges;
- (17) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;
- (18) to make arrangements for the conduct of examinations and to fix dates for such examinations;
- (19) to declare the results of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

- (20) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the Regulations.

Meetings of Academic Council. 24. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.

(2) The Vice-Chancellor shall preside at the meeting of the Academic Council.

(3) The Academic Council shall meet at such time and at such place and with such period of notice and shall observe such rules of procedure in regard to transaction of its business at its meeting, including the quorum at such meeting as may be prescribed;

(4) When any urgent action is required, the Vice-Chancellor may, with the approval of the majority of the members of the Academic Council, permit the business to be transacted by circulation among the members of the Academic Council. The action so taken as approved by circulation shall be placed before the next meeting of the Academic Council.

Finance Committee. 25. (1) The Finance Committee shall consist of the following members, namely :-

- (i) The Vice-Chancellor,
- (ii) The Registrar,
- (iii) The Finance and Accounts Officer,
- (iv) One member of the Executive Council, to be nominated by it,
- (v) One member, to be nominated by the State Government.

(2) The term of members other than the *ex-officio* members shall be of three years.

(3) A member nominated by the Executive Council shall cease to be a member of the Finance Committee, if he ceases to be a member of the Executive Council.

Powers and functions of Finance Committee. 26. (1) The Finance Committee shall have the following powers and functions, namely :-

- (a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;
- (b) to consider all proposals for new expenditure and to make recommendations to the executive council;

- (c) to consider periodical statement of accounts and to review the finances of the University from time to time, to consider annual accounts and balance sheet of the University and audited statements and audit reports, and to make recommendations thereon to the Executive Council;
- (d) to advise and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on reference from the Executive Council.

(2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.

(3) The Vice-Chancellor shall preside at the meetings of the Finance Committee.

(4) The annual report of the University shall be prepared under the direction of the Finance Committee and shall be submitted along with its comments to the Executive Council on or before such date as may be prescribed and shall be considered by the Executive Council at its annual meeting.

27. A person shall be disqualified for being appointed or for being a member of any of the authorities of the University, if he –

**Disqualifications
for membership
of authorities of
University.**

- (a) is of unsound mind and stands so declared by a competent court;
- (b) is an undischarged insolvent and stands so declared by a competent court;
- (c) has been convicted of any offence involving moral turpitude;
- (d) is conducting or engaging himself in private tuitions or private coaching classes;
- (e) has been punished for indulging in or promoting unfair practices in the conduct of any examination in any form;
- (f) discloses or causes to disclose to public, in any manner whatsoever, any confidential matter, in relation to examination, the knowledge of which he has come to be in possession, due to his official position.

CHAPTER V RESEARCH COUNCILS

Constitution
and functions
of Research
Council.

28. (1) There shall be set up under the control of the centre of research, various councils for research as may be necessary, for research in the various subjects related to teacher education.

- (2) Each Research Council shall consist of the Vice-Chancellor as its Chairman and the Director who shall be of the rank of the professor and shall act as the Member-Secretary.
- (3) Each Research Council shall consist of four Scholars nominated by the Chairman, Vice-Chairman and Member-Secretary and approved by the Academic Council.
- (4) The Scholars shall be eminent educationists in the subject for which the council is constituted and their role shall be to bring to the council their expert advice so as to promote research work of the council.
- (5) The Scholars in each council shall not be entitled to any salary or emoluments but shall be entitled to a fee as may be prescribed by the regulations of the University for attending the meeting as also facilities for travel, transport and accommodation for each of their visits that they may be required to perform.
- (6) The Council shall meet at such time and place, and shall observe such rules of procedure with regards to transaction of its business at the meeting as may be deemed necessary by it.
- (7) For research in the research councils, there shall be a provision of fellowships which shall consist of not more than twenty-five fellows.
- (8) The Fellows shall be selected by a committee appointed by the Academic Council :

Provided that twelve of the fellowships shall be awarded for junior research fellows enrolled in the University for M.Phil. and Ph.D. research work:

Provided further that one Fellow shall be awarded a national fellowship to the selected from among eminent educationists and the remaining twelve fellowships shall be awarded as senior fellowships to eminent educationists of the rank of Associate Professors and Assistant Professors of the University.

x (9) Each Fellow shall carry out research in any subject related to the themes of councils of research and deliver lectures in the University whenever so required.

(10) The term of a Fellow shall be of two years within which he shall write a thesis of fellowship on the subject assigned to him:

Provided that the Academic Council may extend the term by one year.

(11) The salary and allowances payable to a Fellow shall be such as may be determined by the regulations of the University in accordance with the scheme of Fellowships of the University Grants Commission.

CHAPTER VI FINANCE

29. (1) The University shall establish a Fund to be called the University Fund. University Fund.

(2) The following shall form a part of, or be paid into the University Fund –

- (i) any contribution or grant made by the State Government, Central Government or an agency of the Central Government;
- (ii) any bequests, donations, endowments or other grants made by any private individual or institution;
- (iii) income received by the University from all the sources including income from fees and charges; and
- (iv) amounts received from any other source.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a Co-operative Bank approved by the State Government for the purpose. 2 of 1934.

(4) The University Fund shall be utilized for such purposes of the University and in such manner as may be prescribed by the Statutes.

30. Notwithstanding anything contained in this Act or the regulations, whenever the University receives funds from any Government or other agencies sponsoring a scheme to be executed by the University, - Fund of sponsored scheme.

- (1) the amount received shall be kept by the University in separate account and shall be utilized for the purpose of the scheme; and

- (2) the staff required to execute such scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

Accounts, Audit and Annual Report. 31. (1) The annual accounts and balance sheet of the University shall be prepared under the direction of the Executive Council and shall, every year, be audited by the auditors appointed by the State Government.

(2) The annual accounts, the balance sheet and the audit report shall be considered by the Executive Council at its annual meeting and it may, by resolution make recommendations with reference thereto and communicate the same to the Finance Committee.

(3) A copy of the annual accounts and the balance sheet together with the audit report thereon shall be submitted by the University to the State Government along with the statement of action taken by the University on the said report.

(4) Any observations made by the State Government on the annual accounts shall be brought to the notice of the University and the compliance report on such observations shall be submitted to the State Government.

(5) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and financial estimates shall be considered by the General Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and financial estimates shall be considered by the General Council at its annual meeting and may be passed with such modifications as the General Council may deem fit.

CHAPTER VII

STATUTES, ORDINANCES AND REGULATIONS

Statutes. 32. (1) Subject to the provisions of this Act, the Executive Council may make the Statutes to provide for all or any of the following matters, namely :-

- (i) conferment and withdrawal of honorary degrees and other academic distinctions;
- (ii) holding of convocation to confer degrees and diplomas;
- (iii) powers, duties and functions of the officers of the University;

- (iv) constitution, powers and duties of the authorities of the University;
- (v) institution and maintenance by the University, of departments, institutes of research or specialized studies, post-graduate centres in affiliated colleges and hostels;
- (vi) acceptance and management of bequests, donations and endowments;
- (vii) manner of utilization of the University Fund;
- (viii) registration of graduates and maintenance of a register of registered graduates;
- (ix) manner and rules of procedure in regard to transaction of business at the meetings including the quorum of the meeting, of the authorities of the University and for the transaction of business;
- (x) qualifications of professors, readers, lecturers and teachers in approved and recognized institutions;
- (xi) the maximum number of students to be admitted in a centre, school and institution;
- (xii) suitable and adequate physical facilities such as buildings, laboratories, library books, equipments required for teaching and research, hostels, etc.;
- (xiii) to conduct various research programmes;
- (xiv) qualifications, salary, allowances, emoluments and other terms and conditions of service of the Registrar and the Finance and Accounts Officer;
- (xv) manner of appointment of the Finance and Accounts Officer;
- (xvi) preparation of the financial estimates for the ensuing year;
- (xvii) all other matters which by or under this Act are to be or may be prescribed by the Statutes;

(2) The Statutes may be made, amended or repealed by the Executive Council in the manner hereinafter provided.

(3) The Executive Council may take into consideration the draft of Statutes either of its own motion or on a proposal made by any other authority of the University. The Executive Council, if it thinks

necessary, may also obtain the opinion of any officer, authority or body of the University in regard to any draft Statutes which is before it for consideration:

Provided that where any draft Statutes pertains to academic matters, the Executive Council shall obtain the opinion of the Academic Council before considering the same.

(4) Every Statute passed by the Executive Council shall be presented to the Chancellor who may give or withhold his assent thereto or refer it back to the Executive Council for reconsideration.

(5) No Statute passed by the Executive Council shall be valid or shall come into force until assented to by the Chancellor.

(6) Notwithstanding anything contained in the foregoing provisions, the Chancellor, on the advice of the State Government direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council fails to implement such a direction within sixty days of its receipt, the Chancellor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably as advised by the State Government.

Ordinances. 33. (1) Subject to the provisions of this Act, the Executive Council may make the Ordinances to provide for all or any of the following matters, namely :-

- (i) the conditions under which students shall be admitted to courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) the conditions of residence, conduct and discipline of the students of the University;
- (vi) the recognition of hostels;
- (vii) the inspection of approved and recognized institutions and hostels;
- (viii) rules to be observed and enforced by approved and recognized institutions in respect of transfer of students;

- (ix) the mode of execution of contracts or agreements for, or on behalf of the University;
- (x) all other matters which, by or under this Act may be required to be provided.

(2) The Executive Council may make, amend or repeal Ordinances in the manner hereinafter provided.

(3) No Ordinance concerning the matters referred to in clauses (i) to (viii) of sub-section (1), or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made by the Executive Council unless a draft thereof has been proposed by the Academic Council.

(4) The Executive Council shall not have the power to amend any draft proposed by the Academic Council under sub-section (3), but may approve the draft Ordinances or either reject or return it to the Academic Council for reconsideration, in whole or in part, together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted to the Chancellor within a period of two weeks. The Chancellor shall have the power to direct the Executive Council, within four weeks of the receipt of the Ordinances, to suspend its operation, and he shall, as soon as possible, inform the Executive Council of his objection to it. He may, after receiving the comments of the Executive Council, either withdraw the order suspending the Ordinances or reject the Ordinances, and his decision shall be final.

34. Subject to the provisions of this Act, the Executive Council may **Power to make** make Regulations consistent with the provisions of this Act to provide **regulations.** for all or any of the following matters, namely :-

- (i) constitution of committees for specific purposes, and members and Chairperson of such committee under sub-section (11) of section 23;
- (ii) time, place and period of the meetings of the Academic Council and rules of procedure for transaction of business at such meetings, including the quorum of the meeting under sub-section (3) of section 24;
- (iii) fee for attending the meeting and facilities for travel, transport and accommodation for visits in discharge of function under sub-section (5) of section 28;

- (iv) salary, allowances payable to the Fellow, in accordance with the scheme of Fellowships of the University Grants Commission under sub-section (11) of section 28;
- (v) all other matters which, by or under this Act may be required to be provided.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Prior
approval of
State
Government.

35. (1) The University may with the prior approval of the State Government —

- (a) create any post of a member of the academic or a non-academic staff of the University and the pay and allowances thereof;
- (b) divert the use of any earmarked fund for a purpose other than that for which it was originally earmarked;
- (c) transfer any immovable property belonging to it;

(2) The University may incur expenditure from the University Fund and development fund, if any, established by the University for the purpose of —

- (i) initiating and maintaining any self-financed academic course, and
- (ii) development work,

with the prior approval of the State Government, if such expenditure imposes financial liability on the State Government.

(3) Notwithstanding anything contained in any Statutes, Ordinances and Regulations, the State Government may lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University.

Power of State
Government to
give directions.

36. (1) Where in the opinion of the State Government, the affairs of the University or institution are carried on in a manner detrimental to the object of the establishment of the University or to its finances or to public interest, the State Government may cause to be made a full and complete investigation into the affairs of the University or institution by appointing a committee for this purpose.

(2) The committee shall, within a period of one month or such period as the State Government may specify, make a report to the State Government containing recommendations as to the actions to be taken

on the affairs of the University or institution, and steps to prevent carrying on the affairs in the aforesaid manner.

(3) If the State Government is satisfied that it is desirable to take actions as recommended by the committee, it may issue such directions to the University or institution as may be appropriate in the circumstances.

(4) Where the University or college or institution fails to carry out any direction given by the State Government, it may withhold the grant to the University or institution.

37. (1) There shall be a Standing Committee of the University Standing for the purpose of selection for the posts of professors or such other post Committee. as may be prescribed.

(2) The standing committee shall consist of the following members, namely :-

- (a) a retired Judge of the Supreme Court of India or a retired Chief Justice of the Gujarat High Court or an eminent leader of Industry or Commerce or Management, to be nominated by the Chancellor of the University;
- (b) a retired Chief Secretary, Government of Gujarat, to be nominated by the State Government;
- (d) a former Vice-Chancellor of a University in Gujarat, to be nominated by the State Government;

The State Government shall nominate one of them as the Chairperson of the Committee.

(3) For the selection for appointment to the posts of the Registrar and Professors, there shall be a search committee consisting of :-

- (a) the Vice-Chancellor, *ex-officio* Chairman; and
- (b) two members nominated by the Academic Council.

(4) The search committee shall recommend to the standing committee, three names of suitable candidates along with their bio-data. After scrutinizing the bio-data and, if necessary, after interview of the concerned candidates, the standing committee may select one of them and recommend to the Executive Council for appointment on the concerned post.

(5) The terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the committee shall be such as may be prescribed by or under this Act.

Resignation from membership and filling up of casual vacancy. 38. (1) A member of any authority, other than an *ex-officio* member, may resign by writing under his signature, addressing to the Chancellor. The person shall cease to be a member upon his resignation being accepted by the Chancellor.

(2) If a person nominated, appointed or co-opted to any authority or body remains absent without prior permission of the authority or body for three consecutive meetings; he shall be deemed to have vacated his membership and shall cease to be a member.

Indemnity. 39. No suit shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Officers, members of authorities, bodies and employees of University to be public servant. 40. All officers, members of the authorities, committees or bodies, members of the academic staff of the University and other employees of the University, shall be deemed, when acting or purporting to act in pursuance of any of the provision of this Act, to be public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Power of State Government to make rules. 41. (1) The State Government may, by notification in the *Official Gazette*, make rules generally for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-

- (i) the pay, allowances, emoluments and other terms and conditions of service of the Vice-Chancellor under sub-section (3) of section 13;
- (ii) to lay down a standard code for recruitment and conditions of service of academic and non-academic staff of the University under sub-section (3) of section 35;
- (iii) such other post for which standing committee of the University shall make selection under sub-section (1) of section 37;
- (iv) the terms and conditions, the tenure of service and salary, allowances, perks and other facilities of the members of the standing committee under sub-section (5) of section 37;

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to

such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty: **Power to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the State Legislature.

CHAPTER IX TRANSITORY PROVISIONS

43. Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit. **Appointment of first Vice-Chancellor.**

44. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding two years and on such terms and conditions as the State Government thinks fit. **Appointment of first Registrar.**

45. (1) It shall be the duty of the first Vice-Chancellor- **Transitory powers of first Vice-Chancellor.**

(a) to give recognition to institutions, if any, as far as possible consistent with the provisions of the Act; and

(b) to make arrangements for constituting the General Council, the Executive Council, the Academic Council and other authorities of the University within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the State Government for the purposes of this section, -

(a) subject to the provisions of this Act, -

- (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,
 - (ii) draw up any rules, that may be necessary for regulating the method of constitution of the aforesaid authorities,
 - (b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.
- (3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.
- (4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

Extra ordinary powers of first Vice-Chancellor. 46. The first Vice-Chancellor appointed under section 43 shall have the following powers until the Executive Council commences to exercise its functions -

- (a) with the previous approval of the Chancellor, to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act, or any part thereof, to be brought into force;
- (d) with the sanction of the Chancellor, to make for a period not exceeding three years, such appointments as may be necessary to enable this Act or any part thereof, to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of its functions as he may direct; and
- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

47. (1) At any time after the commencement of this Act, until such time as the authorities of the University shall commence to exercise their functions, - First appointment of officers of University.

(a) the Vice-Chancellor with the previous sanction of the State Government may appoint any officer of the University;

(b) till the Executive Council is constituted, the teachers of the University may be appointed by the Advisory Committee referred to in sub-section (2) of section 45 with the approval of the State Government on the recommendation of the Selection Committee consisting of the following persons, namely :-

(i) the Vice-Chancellor,

(ii) a nominee of the State Government,

(iii) three experts to be appointed out of a panel of experts drawn by the Advisory Committee.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefore.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 31st March, 2010 is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2010.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette," on the 1st April, 2010).

AN ACT

further to amend the Gujarat Technological University Act, 2007.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Technological University (Amendment) Act, 2010. **Short title.**

Guj. 20 of 2007. 2. In the Gujarat Technological University Act, 2007, in section 11, in sub-section (4), for clause (iii), the following shall be substituted, namely:- **Amendment of section 11 of Guj. 20 of 2007.**

“(iii) not have attained the age of seventy years on the date of nomination or re-nomination.”.



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H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2010.

(First published, after having received the assent of the Governor, in the
"Gujarat Government Gazette," on the 1st April, 2010).

AN ACT

further to amend the Centre for Environmental Planning and
Technology University Act, 2005.

It is hereby enacted in the Sixty-first Year of the Republic of
India as follows:-

1. This Act may be called the Centre for Environmental Planning and Technology University (Amendment) Act, 2010. **Short title.**

Guj. 24 of 2005. 2. In the Centre for Environmental Planning and Technology University Act, 2005 (hereinafter referred to as "the principal Act"), in the long title, for the words "Centre for Environmental Planning and Technology University, Ahmedabad", the words "CEPT University, Ahmedabad" shall be substituted. **Amendment of long title of Guj.24 of 2005.**

Amendment of section 1 of Guj. 24 of 2005. 3. In the principal Act, in section 1, in sub-section (1), for the words "Centre for Environmental Planning and Technology University", the words "CEPT University" shall be substituted.

Amendment of section 2 of Guj. 24 of 2005. 4. In the principal Act, in section 2, in clause (q), for the words "Centre for Environmental Planning and Technology University", the words "CEPT University" shall be substituted.

Amendment of section 3 of Guj. 24 of 2005. 5. In the principal Act, in section 3,-
(1) in sub-section (1),-

(a) in clause (a), for the words "the Centre for Environmental Planning and Technology University, Ahmedabad", the words "the CEPT University, Ahmedabad" shall be substituted;

(b) in clause (b), for the words and brackets "Centre for Environmental Planning and Technology University (hereinafter in this Act referred to as "the CEPT University")", the words "CEPT University" shall be substituted;

(2) for sub-section (3) and the proviso thereunder, the following sub-section shall be substituted, namely :-

"(3) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act."

Amendment of section 4 of Guj. 24 of 2005. 6. In the principal Act, in section 4, for clause (vi), the following clause shall be substituted, namely:-

"(vi) to raise financial resources by contributions, donations, grants or loans from Government agencies, industries, other organizations and private individuals, for the effective functioning of the educational, research, publications and related functions of the University;"

Amendment of section 14 of Guj. 24 of 2005. 7. In the principal Act, in section 14, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The Governing Body shall consist of those members who are from time to time trustees of the CEPT Trust and the President, the Director and the Deans of the University."

8. In the principal Act, in section 16, in sub-section (1), in clause (vii), for the words "one Dean of the University by rotation", the words "the Deans of the University" shall be substituted. **Amendment of section 16 of Guj. 24 of 2005.**
9. In the principal Act, in section 20, in sub-section (1), for clauses (iv) and (v), the following clauses shall be substituted, namely:- **Amendment of section 20 of Guj. 24 of 2005.**
- “(iv) one expert academician from each faculty of the University, to be nominated by the Board;
- (v) one expert professional from each faculty, to be nominated by the Executive Council.”.
10. In the principal Act, in section 22, in sub-section (2), clause (vii) shall be deleted. **Amendment of section 22 of Guj. 24 of 2005.**
11. In the principal Act, in section 24, sub-section (7) shall be deleted. **Amendment of section 24 of Guj. 24 of 2005.**
12. In the principal Act, in section 28, in sub-section (2), for clauses (i) to (iv), the following clauses shall be substituted, namely:- **Amendment of section 28 of Guj. 24 of 2005.**
- “(i) fees and charges;
- (ii) creation of posts and appointments and revision of any pay-scales of those employees for whom the salary is paid out of the Government grants.”.
13. In the principal Act, in section 36, for sub-sections (3) and (4), the following sub-section shall be substituted, namely:- **Amendment of section 36 of Guj. 24 of 2005.**
- “(3) All regulations made under this section shall be intimated to the State Government.”.
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

BY THE SENIOR MANAGER, GOVERNMENT CENTRAL PRESS, GANDHINAGAR.

Corrigendum

No. Reading Gazette, Corrigendum No. 3. 2010.

The Government of Gujarat legislative and Parliamentary affairs Department Resolution No. Guj/Act/7/2010/1610/86/C. Published in Gujarat Government Gazette Part-IV Extra Ordinary No. 7 Page 7-4 dated 31st March 2010.

In this Act published with corrigendum as per below.

| Read | Instead of |
|--------------------|--------------------|
| record or register | record of register |

Date : 17th August, 2010.
Place : Gandhinagar.

V. H. LACHANI,
Senior Manager,
Government Central Press,
Gandhinagar.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Vol. LIJ SATURDAY, DECEMBER 18, 2010/AGRAHAYANA 27, 1932

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 18th December, 2010 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2010.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette," on the 18th December, 2010).

AN ACT

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Provincial Municipal Corporations (Gujarat Amendment) Act, 2010. Short title and commencement.

(2) It shall be deemed to have come into force from the 1st January, 2009.

Bom. LIX of 1949. 2. In the Bombay Provincial Municipal Corporations Act, 1949, in section 458, in clause (36), after the words "proper behaviour of persons in them", the words "and the levy of fees therein" shall be added at the end. Amendment of section 458 of Bom. LIX of 1949.